IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

:PRESENT:
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 18348 of 1999

Between:
S.Kullaiah S/o Nalla Masthan,
Aged 41 years, Occ:Agriculture and
Tribal Medicine, R/o Gandhasiri Village
Mudigonda Mandal, Khammam District.

..... PETITIONER

AND

1. The Commissioner for Social Welfare,
   A.P. Hyderabad

2. The District Collector (Social Welfare),
   Khammam District, Khammam.

3. The Mandal Revenue Officer, Mudigonda
   Mandal, Khammam District.

4. Matta Latchi Reddy, @ Laxma Reddy
   S/o Ram Reddy, aged 37 years, Occ:
   Agriculture, R/o Gandhasiri Village,
   Mudigonda Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly a writ in the nature of writ of Mandamus declaring the action of the respondents in not concluding the enquiry and passing final orders in proceedings No. B8/823/97, dated 12-02-1997 of the respondent No.2 as arbitrary, illegal and violative of the Articles 14 and 21 of the Constitution of India.

Counsel for Petitioner: Sri A.Sudershan Reddy, Advocate

Counsel for Respondents 1 to 3: G.P. for Social Welfare

Counsel for kRespondent No.4: Mr J.Prabhakar, Advocate

the Court made the following :

ORDER:

The present writ petition has been filed complaining that the action of the respondents in not concluding the enquiry and passing final orders in Proceedings no. B8/823/97, dated 12th February, 1997 of respondent No.2 as arbitrary and illegal.

The writ petitioner contested the election conducted to the office of the Sarpunch of Gandhasiri and elected as such on 14-02-1997. In the year 1995, when the petitioner's nomination was refused on the ground that he does not belong to ST the elections were postponed and said elections were again held in the year 1997 and the said election was subject matter of challenge in O.P.No. 3 of 1997 on the file of Principal District Munsiff (Special Election Tribunal) at Khammam. Pending election O.P., a show cause notice for cancellation of certificate was issued by the second respondent calling upon the explanation from the petitioner why the caste certificate issued in his favour should not be cancelled, for which the petitioner submitted an explanation and filed the present writ petition that the Joint collector, so far, has not adjudicated with regard to the social status of the petitioner and the Principal Junior Civil Judge, Khammam is proceeding with the O.P. and if he is allowed to dispose of the same, the petitioner would suffer irreparable loss and injury.

The term of the office has already been expired. In view of the same the only direction that can be issued is to direct the second respondent to pass appropriate orders.

The writ petition is accordingly disposed of directing the second respondent to pass appropriate orders pursuant to the show cause notice dated 12-02-1997 considering the explanation offered by the petitioner. If any order is already passed the same shall be communicated to the petitioner. No costs.

ASSISTANT REGISTRAR

//TRUE COPY //

SECTION OFFICER

1. The Commissioner for Social Welfare,
   A.P. Hyderabad

2. The District Collector (Social Welfare),
   Khammam District, Khammam.

3. The Mandal Revenue Officer, Mudigonda
   Mandal, Khammam District.

4. Matta Latchi Reddy, @ Laxma Reddy
   S/o Ram Reddy, aged 37 years, Occ:
   Agriculture, R/o Gandhasiri Village,
   Mudigonda Mandal, Khammam District.

5. 2 CC to G.P. for Social Welfare.

6. 2 CD copies.

kvrm/kmr

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18348 of 1999

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

DATED: 18-06-2004